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Filing date: **03/31/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058543
Party	Defendant Razer (Asia-Pacific) Pte Ltd.
Correspondence Address	KEITH A BARRITT FISH & RICHARDSON PC PO BOX 1022 MINNEAPOLIS, MN 55440 1022 UNITED STATES barritt@fr.com, tmdoctc@fr.com, erickson@fr.com
Submission	Motion for Summary Judgment
Filer's Name	Keith Barritt
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Signature	/Keith Barritt/
Date	03/31/2015
Attachments	SJ motion.pdf(2462200 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EDGE GAMES, INC.

Petitioner,

v.

RAZER (ASIA-PACIFIC) PTE LTD,  
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

**REGISTRANT RAZER (ASIA-PACIFIC) PTE LTD'S  
MOTION FOR SUMMARY JUDGMENT  
AND MEMORANDUM IN SUPPORT THEREOF**

Pursuant to Rule 56(a) of the Federal Rules of Civil Procedure and the rules of the Trademark Trial and Appeal Board, Registrant Razer (Asia-Pacific) Pte Ltd (“Registrant” or “Razer”), by and through its undersigned attorneys, hereby moves the Board for an order granting summary judgment dismissing the cancellation petition filed by Edge Games, Inc. (“Edge Games”) against Razer’s EDGE trademark registration no. 4,394,393. As shown below, Edge Games has admitted for the purposes of its dispute with Razer that it has no enforceable rights in EDGE or any variant, that there is no likelihood of confusion, and that if it had any rights in EDGE its mark is not famous for purposes of federal dilution law.

## **I. INTRODUCTION**

### **A. Factual History And Background**

Edge Games filed its Petition for Cancellation on January 14, 2014. Edge Games’ motion for summary judgment and motion to compel were dismissed by the Board in 2014, and Razer’s request for sanctions was granted in part by the Board’s order of January 30, 2015.

The Board’s order of January 30, 2015 extended the close of discovery to April 27, 2015. On February 5, 2015, Razer served its discovery requests by U.S. certified mail, pursuant to the parties’ agreement as memorialized in the Board’s January 30, 2015 order. Razer’s discovery requests consisted of its First Set of Requests for Admissions, First Set of Interrogatories, and First Set of Requests for Documents and Electronically Stored Information. A true and correct copy of Razer’s First Set of Requests for Admissions is included as Exhibit 1-A hereof.

Razer's discovery requests were delivered on February 7, 2015, as confirmed by the U.S. Postal Service (see Declaration of Keith Barritt included herewith as Exhibit 1, and Exhibits 1-B, 1-C, and 1-D thereof). Edge Games' responses to Razer's discovery requests were due March 12, 2015. No substantive responses were received from Edge Games to Razer's duly served discovery requests (see Declaration of Sergio Pantano included herewith as Exhibit 2).

Accordingly, by operation of law, Fed. R. Civ. P. 36(a), Edge Games has admitted each request in the Requests for Admissions. Therefore, as shown below, Edge Games has admitted for purposes of its dispute with Razer that it has no rights in EDGE or any variant and even if it did its mark is not famous for federal dilution purposes. Thus, there are no remaining genuine issues of material fact, and summary judgment is appropriate.

**B. Summary Judgment Standard**

Summary judgment is appropriate in cases where the moving party establishes that there are no genuine issues of material fact which require resolution at trial and the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). The purpose of the motion is judicial economy, to avoid an unnecessary trial where there are no genuine issues of material fact. *See* Fed. R. Civ. P. 56(a); *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986).

The Board does not hesitate to dispose of cases on summary judgment when appropriate. *See, e.g., Hornblower & Weeks Inc. v. Hornblower & Weeks Inc.*, 60 USPQ2d 1733, 1735 (TTAB 2001); *Turner Entertainment Co. v. Nelson*, 38 USPQ2d 1942, 1944 (TTAB 1996); *National Football League v. Jasper Alliance Corp.*, 16 USPQ2d 1212, 1217

(TTAB 1990); *Bongrain International (American) Corp. v. Moquet, Ltd.*, 230 USPQ 626, 628-29 (TTAB 1986).

In the present case, summary judgment should be granted for Razer because Edge Games has admitted as a matter of law that it has no rights in EDGE or any variant, that there is no likelihood of confusion, and that if it had any rights in EDGE its mark is not famous for purposes of federal dilution law. There is no question that Edge Games' admissions can serve as the basis for granting summary judgment. *See, e.g., Karras v. Karras*, 16 F.3d 245, 247 (8th Cir. 1994) (default admissions under Rule 36 can serve as factual predicate for summary judgment, *citing United States v. Kasuboski*, 834 F.2d 1345, 1350 (7th Cir. 1987)); *Luick v. Graybar Electric Co., Inc.*, 473 F.2d 1360, 1361 (8th Cir. 1973) (summary judgment may be based on admitted matter).

## **II. ARGUMENT**

This case can be swiftly decided on summary judgment. Because Edge Games has failed to respond to Razer's timely and duly served Requests for Admissions, Edge Games has admitted each request for purposes of its dispute with Razer by operation of law under Fed. R. Civ. P. 36(a). These admissions gut all of Edge Games' claims.

The Petition for Cancellation contains four enumerated claims. The first claim is merely a claim of prior rights (based primarily on cancelled registrations). Thus, claim one is merely supportive of claim two (dilution) and claim three (likelihood of confusion). Claim four contains a vague allegation of "bad faith" which is not a recognizable basis for cancelling a trademark registration under 15 U.S.C. § 1064, and

even if it were Edge Games' admissions that it has no rights in EDGE or any variant would quash any such claim.

Accordingly, the only claims at issue are (1) likelihood of confusion and (2) dilution. For the reasons discussed below, both claims can be easily dismissed on summary judgment, as well as any other claims that Edge Games may try to salvage.

A. **Edge Games Has Admitted It Has No Enforceable Rights And That There Is No Likelihood Of Confusion**

As noted above, Edge Games failed to respond to Razer's timely and duly served Requests for Admissions. By operation of law, Edge Games has admitted for purposes of its dispute with Razer that:

It has not used the EDGE mark or any variant thereof in the United States for any products or services (see Request No. 1 in Exhibit 1-A).

None of its licensees has used the EDGE mark or any variant thereof in the United States for any products or services (see Request No. 7 in Exhibit 1-A).

It does not have in place quality control standards or procedures for all licensees controlling the quality of goods or services offered under the EDGE mark or any variant thereof (see Request No. 13 in Exhibit 1-A).

It has not enforced any quality control standards or procedures against any licensee involving goods or services offered under the EDGE mark or any variant thereof (see Request No. 14 in Exhibit 1-A).

It has abandoned any rights in the mark EDGE or any variant thereof due to uncontrolled licensing (see Request No. 17 in Exhibit 1-A).

There is no likelihood of confusion between Edge Games' EDGE mark or any variant thereof and Razer's EDGE mark (see Request No. 34 in Exhibit 1-A).

These admissions make it impossible for Edge Games to prevail on a claim of likelihood of confusion based on any alleged prior rights, and therefore summary judgment is appropriate.

**B. Edge Games Has Admitted Its EDGE Mark Is Not Famous**

While the admissions above regarding lack of use and abandonment are sufficient to sink Edge Games' claim of dilution, it is also noteworthy that by operation of law Edge Games has admitted for purposes of its dispute with Razer that:

Its EDGE mark or any variant thereof is not famous for purposes of federal dilution law (see Request No. 30 in Exhibit 1-A).

Since fame is a prerequisite to any claim of dilution under 15 U.S.C. § 1125(c), this admission make it impossible for Edge Games to prevail on a claim of dilution, and therefore summary judgment is appropriate.

**C. No Evidence Would Be Admissible That Indicates Edge Games Has Any Enforceable Rights**

Edge Games' failure to provide any discovery responses estops it as a matter of law from submitting evidence in its testimony period that would be responsive to Razer's discovery requests. *See, e.g., Shoe Factory Supplies Co. v. Thermal Engineering Co.*, 207 USPQ 517, 519 n.1 ("a party may not properly introduce a document in evidence in its behalf after having refused to make it available to an adverse party seeking discovery thereof"); *Johnston Pump/General Valve Inc. v. Chromalloy American Corp.*, 10 USPQ2d 1671, 1677 (TTAB 1989) ("if proper discoverable matter is withheld from the requesting party, the responding party will be precluded from relying on such information and from adducing testimony with regard thereto during its testimony period").

Accordingly, because Razer specifically requested information that would have substantiated Edge Games' alleged use and ownership of the EDGE mark, Edge Games is now precluded from offering any such evidence. *See* Razer's First Set of Requests for Documents and Electronically Stored Information (Request Nos. 1-8) and First Set of

Interrogatories (Interrogatory Nos. 1-7) in Exhibits 1-E and 1-F, respectively. Thus, there is no admissible evidence that could be submitted in this case that would refute Edge Games' admissions.

In sum, there is no possible basis for Edge Games to prevail in this action. There are no remaining genuine issues of material fact, and Razer is entitled to summary judgment.

### **III. REQUEST FOR SUSPENSION, WAIVER OF OBJECTIONS, AND EXTENSION OF CLOSE OF DISCOVERY**

Razer hereby requests that the Board suspend the case while it considers the motion for summary judgment, pursuant to 37 C.F.R. § 2.127(d).

If the Board ultimately denies this summary judgment motion, Razer requests the Board to find that Edge Games has waived any objections it may have to Razer's First Set of Requests for Admissions, First Set of Interrogatories, and First Set of Document Requests, consistent with *Crane Co. v. Shimano Industrial Co.*, 184 USPQ 691 (TTAB 1975). In addition, due to the length of time that has passed since Razer's discovery requests were first served on February 5, 2015, Razer requests the Board to issue any other sanctions it deems appropriate.

In addition, if the Board denies this summary judgment motion Razer also requests that the close of discovery and all subsequent dates be reset. Moreover, due to Edge Games failure to serve any discovery responses, it is possible Razer will not have sufficient time to take follow-up discovery. Therefore, if the summary judgment motion is denied Razer requests an extension of the discovery period for Razer only of no fewer than 90 days from



the issuance of the Board's order resolving this matter. As stated in Section 403.04 of the Trademark Trial and Appeal Board Manual of Procedure:

[A] party which receives discovery requests early in the discovery period may not, by delaying its response thereto, or by responding improperly so that its adversary is forced to file a motion to compel discovery, deprive its adversary of the opportunity to take "follow-up" discovery. Such a delay or improper response constitutes good cause for an extension of the discovery period. Therefore, the Board will, at the request of the propounding party, extend the discovery period (at least for the propounding party) so as to restore that amount of time which would have remained in the discovery period had the discovery responses been made in a timely and proper fashion.

#### **IV. CONCLUSION**

The record is clear that Razer's Requests for Admissions, along with Razer's interrogatories and document requests, were timely served on February 5, 2015 and delivered by the U.S. Postal Services on February 7, 2015. The record is equally clear that Edge Games did not respond to the Requests for Admissions. By operation of law, Edge Games has admitted for purposes of its dispute with Razer each request in the Requests for Admissions. These admissions completely eviscerate Edge Games' allegations in the Petition for Cancellation. Accordingly, as there are no remaining genuine issues of material fact, Razer is entitled to summary judgment.

If the Board nonetheless denies this summary judgment motion, Razer requests that Edge Games be deemed to have waived any objections to Razer's First Set of Requests for Admissions, First Set of Interrogatories, and First Set of Document Requests, that the close of discovery and all subsequent dates be reset, and that the close of discovery for Razer only be extended an additional 90 days.

Respectfully submitted,

Razer (Asia-Pacific) Pte Ltd

By:



Keith A. Barritt  
Fish & Richardson P.C.  
P.O. Box 1022  
Minneapolis, MN 55440-1022  
phone: (202) 783-5070  
fax: (202) 783-2331

March 31, 2015

Date

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EDGE GAMES, INC.

Petitioner,

v.

RAZER (ASIA-PACIFIC) PTE LTD,  
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

CERTIFICATE OF SERVICE

In accordance with 37 CFR 2.111(b), the undersigned hereby certifies that on March 31, 2015, a true copy of the foregoing REGISTRANT RAZER (ASIA-PACIFIC) PTE LTD'S MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM IN SUPPORT THEREOF was sent via U.S. certified mail addressed to the following correspondent of record for Edge Games, Inc.:

Tim Langdell  
Edge Games Inc.  
530 South Lake Avenue, 171  
Pasadena, CA 91101



Signature

# EXHIBIT 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EDGE GAMES, INC.

Petitioner,

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RAZER (ASIA-PACIFIC) PTE LTD,  
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

DECLARATION OF KEITH BARRITT

I, Keith Barritt, declare as follows:

1. I am a principal of Fish & Richardson P.C., counsel of record in this action for Registrant Razer (Asia-Pacific) Pte Ltd ("Razer") and I am over 18 years of age.
2. Attached hereto as Exhibit 1-A is a true and correct copy of Razer's First Set of Requests for Admissions, served by U.S. certified mail on February 5, 2015.
3. Attached hereto as Exhibit 1-B is a true and correct copy of a U.S. Postal Service Certified Mail receipt confirming that Razer's First Set of Requests for Admissions and other discovery requests were deposited in the U.S. certified mail on February 5, 2015 under tracking no. 7004-2890-000-7430-2745.
4. Attached hereto as Exhibit 1-C is a true and correct copy of a printout from the U.S. Postal Service confirming delivery of Razer's First Set of Requests for Admissions and other discovery requests on February 7, 2015 under tracking no. 7004-2890-000-7430-2745.
5. Attached hereto as Exhibit 1-D is a true and correct copy of the signature card from the U.S. Postal Service confirming that Razer's First Set of Requests for Admissions and other discovery requests were delivered on February 7, 2015.
6. Attached hereto as Exhibit 1-E is a true and correct copy of Razer's First Set of Requests for Documents and Electronically Stored Information served by U.S. certified mail on February 5, 2015.
7. Attached hereto as Exhibit 1-F is a true and correct copy of Razer's First Set of Interrogatories served by U.S. certified mail on February 5, 2015.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Keith Barritt  
Keith Barritt

March 31, 2015  
Date

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# EXHIBIT 1-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDGE GAMES, INC.

Petitioner,

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RAZER (ASIA-PACIFIC) PTE LTD,  
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

**REGISTRANT'S FIRST SET OF REQUESTS FOR ADMISSIONS**

Pursuant to Federal Rule of Civil Procedure 36 and Trademark Rules of Practice § 2.120, Registrant Razer (Asia-Pacific) Pte Ltd ("Registrant" or "Razer") by its undersigned attorneys hereby requests that Petitioner, Edge Games, Inc. ("Petitioner" or "Edge Games") admit the truth of the Requests for Admissions set forth below within thirty (30) days after service of this Request.

These requests for admission shall be deemed to be continuing to the final adjudication date of these proceedings so that additional information relating in any way to Petitioner's responses which Petitioner acquires or becomes known to Petitioner shall be furnished to counsel for Registrant immediately after such information is acquired or becomes known, in accordance with Federal Rule of Civil Procedure 26(e).



## DEFINITIONS

“Document” means all things discoverable under Federal Rule of Civil Procedure 34(a), including but not limited to e-mail and other computer-based records, writings, and electronically stored information, notes, notations, correspondence, invoices, contracts, purchase orders, memoranda, books, pamphlets, publications, studies, reports, labels, packaging, artwork, tear sheets, flyers, brochures, proofs, displays, photographs, videotapes, models, films, drawings, sketches, illustrative materials, magnetic recording tapes, microfilms, and other storage means by which information is retained in retrievable form, and all other materials, whether printed, typewritten, handwritten, recorded or reproduced by any mechanical, electronic or magnetic process.

“Identify” means, when used with respect to a person or other legal entity, means to give the name, address, business affiliation and position, and such other known information as may be necessary to permit such person or entity to be subpoenaed or his, her, or its deposition noticed; and when used with respect to a document or other writing means to state the author, addressee, date, subject, and such other known information as may be necessary to permit the document or writing to be subpoenaed or its production to be requested (less complete identification than is adequate to explain what the document is will satisfy these interrogatories if the document or a legible copy of it is produced for inspection and copying, or is appended to the answers to these interrogatories).

“Petitioner” means Edge Games, Inc. its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

“Registrant” means Razer (Asia-Pacific) Pte Ltd, its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

In the following requests, if a privilege is alleged as to information or materials or if a request is otherwise not answered in full, state the specific grounds for not answering in full and answer said request to the extent to which it is not objected, including the identification of all information or materials for which privilege is claimed and the specific nature of any such privilege.

As used herein, the singular shall include the plural, and the present tense shall include the past tense.

As used herein, the terms "and" and "or" shall be construed in the conjunctive when such construction would bring within the discovery request information that would otherwise be outside of its scope, but shall be construed disjunctively when such construction would bring within the discovery request information that would otherwise be outside of its scope.

## REQUESTS FOR ADMISSIONS

The headings which appear below are for convenience only and in no way limit the responses requested of Petitioner.

### Use Of Petitioner's EDGE Mark

1. Admit that Petitioner (defined above as including its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof) has not used the EDGE mark or any variant thereof in the United States for any products or services.
2. Admit that Petitioner has not used the EDGE mark or any variant thereof in the United States for any products or services prior to October 18, 2011.
3. Admit that Petitioner has not used the EDGE mark or any variant thereof in the United States for any products or services since September, 2011.
4. Admit that Petitioner has not used the EDGE mark or any variant thereof in the United States for:
  - a) computers;
  - b) computer tablets;
  - c) computer keyboards adapted for use with computer tablets;
  - d) computer keypads adapted for use with computer tablets;
  - e) batteries for computers, computer tablets, computer keyboards, or computer keypads;

- f) power supplies for computers, computer tablets, computer keyboards, or computer keypads;
- g) computer game controllers; or
- h) video game controllers.

5. Admit that prior to October 18, 2011, Petitioner has not used the EDGE mark or any variant thereof in the United States for:

- a) computers;
- b) computer tablets;
- c) computer keyboards adapted for use with computer tablets;
- d) computer keypads adapted for use with computer tablets;
- e) batteries for computers, computer tablets, computer keyboards, or computer keypads;
- f) power supplies for computers, computer tablets, computer keyboards, or computer keypads;
- g) computer game controllers; or
- h) video game controllers.

6. Admit that since September, 2011, Petitioner has not used the EDGE mark or any variant thereof in the United States for:

- a) computers;
- b) computer tablets;
- c) computer keyboards adapted for use with computer tablets;
- d) computer keypads adapted for use with computer tablets;

- e) batteries for computers, computer tablets, computer keyboards, or computer keypads;
- f) power supplies for computers, computer tablets, computer keyboards, or computer keypads;
- g) computer game controllers; or
- h) video game controllers.

**Licensing of Petitioner's EDGE Mark**

- 7. Admit that none of Petitioner's licensees has used the EDGE mark or any variant thereof in the United States for any products or services.
- 8. Admit that none of Petitioner's licensees used the EDGE mark or any variant thereof in the United States for any products or services prior to October 18, 2011.
- 9. Admit that none of Petitioner's licensees used the EDGE mark or any variant thereof in the United States for any products or services since September, 2011.
- 10. Admit that none of Petitioner's licensees has used the EDGE mark or any variant thereof in the United States for:
  - a) computers;
  - b) computer tablets;
  - c) computer keyboards adapted for use with computer tablets;
  - d) computer keypads adapted for use with computer tablets;

- e) batteries for computers, computer tablets, computer keyboards, or computer keypads;
- f) power supplies for computers, computer tablets, computer keyboards, or computer keypads;
- g) computer game controllers; or
- h) video game controllers.

11. Admit that prior to October 18, 2011, none of Petitioner's licensees used the EDGE mark or any variant thereof in the United States for:

- a) computers;
- b) computer tablets;
- c) computer keyboards adapted for use with computer tablets;
- d) computer keypads adapted for use with computer tablets;
- e) batteries for computers, computer tablets, computer keyboards, or computer keypads;
- f) power supplies for computers, computer tablets, computer keyboards, or computer keypads;
- g) computer game controllers; or
- h) video game controllers.

12. Admit that since September, 2011, none of Petitioner's licensees used the EDGE mark or any variant thereof in the United States for:

- a) computers;
- b) computer tablets;

- c) computer keyboards adapted for use with computer tablets;
- d) computer keypads adapted for use with computer tablets;
- e) batteries for computers, computer tablets, computer keyboards, or computer keypads;
- f) power supplies for computers, computer tablets, computer keyboards, or computer keypads;
- g) computer game controllers; or
- h) video game controllers.

13. Admit that Petitioner does not have in place quality control standards or procedures for all licensees controlling the quality of goods or services offered under the EDGE mark or any variant thereof.
14. Admit that Petitioner has not enforced any quality control standards or procedures against any licensee involving goods or services offered under the EDGE mark or any variant thereof.
15. Admit that Petitioner does not have in place quality control standards or procedures for its alleged licensee Velocity Micro Inc. controlling the quality of goods or services offered under the EDGE mark or any variant thereof.
16. Admit that Petitioner has not enforced any quality control standards or procedures against its alleged licensee Velocity Micro Inc. involving goods or services offered under the EDGE mark or any variant thereof.

17. Admit that Petitioner has abandoned any rights in the mark EDGE or any variant thereof due to uncontrolled licensing.
18. Admit that Petitioner did not notify all licensees that Petitioner's U.S. trademark registration nos. 2,219,837; 2,251,584; 3,105,816; 3,559,342; and 3,381,826 had been ordered cancelled, as ordered by the court in Exhibit 1 hereto.

**Assignment of Petitioner's EDGE Marks**

19. Admit that for any EDGE mark or any variant thereof that was assigned to Petitioner, the assignor did not assign the accompanying goodwill of the mark.

**Petitioner's Disputes With Third Parties**

20. Admit that Exhibit 2 is a true and correct authentic copy of the "Memorandum Opinion" from the U.S. District Court for the Eastern District of Virginia, Richmond Division, in Civil Action No. 3:08CV135 dated November 7, 2008.
21. Admit that Exhibit 3 is a true and correct authentic copy of the "Order Denying Motion for Preliminary Injunction" from the U.S. District Court for the Northern District of California in Case No. C 10-02614 WHA dated October 1, 2010.
22. Admit that Exhibit 4 is a true and correct authentic copy of an order from the U.S. Trademark Trial and Appeal Board in Cancellation No. 92051465 dated May 1, 2013.



23. Admit that Exhibit 5 is a true and correct authentic copy of the "HTML Version of Judgment" from the U.K. High Court of Justice, Chancery Division in Case No. HC09CO2265 dated June 13, 2011.
24. Admit that Exhibit 6 is a true and correct authentic copy of the "First Witness Statement of Randall Copeland" (without accompanying exhibits) in Claim No. HC09 CO2265 before the U.K. High Court of Justice, Chancery Division, dated December 3, 2010.

**Miscellaneous**

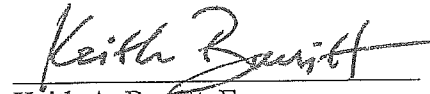
25. Admit that U.S. Registration No. 2,219,837 has been cancelled and cannot be relied upon as evidence of any rights in this cancellation proceeding.
26. Admit that U.S. Registration No. 2,251,584 has been cancelled and cannot be relied upon as evidence of any rights in this cancellation proceeding.
27. Admit that U.S. Registration No. 3,105,816 has been cancelled and cannot be relied upon as evidence of any rights in this cancellation proceeding.
28. Admit that U.S. Registration No. 3,559,342 has been cancelled and cannot be relied upon as evidence of any rights in this cancellation proceeding.

29. Admit that U.S. Registration No. 3,381,826 has been cancelled and cannot be relied upon as evidence of any rights in this cancellation proceeding.
30. Admit that Petitioner's EDGE mark or any variant thereof is not famous for purposes of federal dilution law.
31. Admit that Petitioner has not received any notice of actual confusion by any non-party to this cancellation action between Petitioner's EDGE mark or any variant thereof and Registrant's EDGE mark.
32. Admit that Petitioner is not aware of any instances in which a person has been confused as to the source of Petitioner's or Registrant's products or services bearing any mark incorporating the term EDGE, or as to any affiliation or connection between Petitioner and Registrant.
33. Admit that Petitioner is not aware of any instances in which a person has been confused as to the source of any of Petitioner's alleged licensees' products or Registrant's products or services bearing any mark incorporating the term EDGE, or as to any affiliation or connection between any of Petitioner's alleged licensees and Registrant.
34. Admit there is no likelihood of confusion between Petitioner's EDGE mark or any variant thereof and Registrant's EDGE mark.

35. Admit that consumers typically do not buy computers as an impulse purchase.
36. Admit that consumers typically take care when purchasing computers to understand from whom they are buying.
37. Admit that Exhibit 7 contains true and correct copies of information from the U.S. Trademark Office regarding registrations and applications for marks incorporating the term EDGE for computer-related goods in Class 9. If you deny any of Request 37, indicate which registration or application you deny is a true and correct copy.
38. Admit that Exhibit 8 contains true and correct copies of examples of use of marks incorporating EDGE for various computers and computer hardware goods. If you deny any of Request 38, indicate which uses you deny.
39. Admit that Razer's EDGE mark generally appears in actual use in juxtaposition with the RAZER mark, as shown, for example, in Exhibit 9.

Respectfully submitted,

Razer (Asia-Pacific) Pte Ltd.

A handwritten signature in black ink, reading "Keith Barritt", written over a horizontal line.

Keith A. Barritt, Esq.

Fish & Richardson P.C.

P.O. Box 1022

Minneapolis, MN 55440-1022

phone: (202) 783-5070

fax: (202) 783-2331

Attorneys for Registrant

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

CERTIFICATE OF SERVICE

It is hereby certified that on February 5, 2015 a true copy of the foregoing  
REGISTRANT'S FIRST SET OF REQUESTS FOR ADMISSIONS was deposited in the  
U.S. certified mail, first-class, postage prepaid, addressed to:

Tim Langdell  
Edge Games Inc.  
530 South Lake Avenue 171  
Pasadena, CA 91101

  
Signature

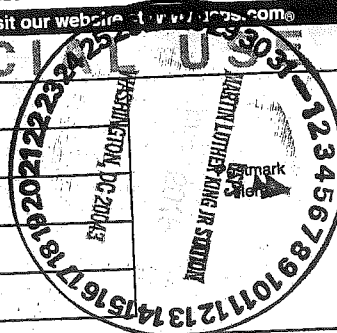
# EXHIBIT 1-B

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$  
Certified Fee  
Return Receipt Fee  
(Endorsement Required)  
Restricted Delivery Fee  
(Endorsement Required)  
Total Postage & Fees \$



Sent To TIM LANDRELL  
Street, Apt. No.,  
or PO Box No. 530 South Lake Ave 171  
City, State, ZIP+4 PASADENA, CA 91101

PS Form 3800, June 2002

See Reverse for Instructions

7004 2890 0000 7430 2745

# EXHIBIT 1-C



[English](#)[Customer Service](#)[USPS Mobile](#)[Register / Sign In](#)

## USPS Tracking™

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Have questions? We're here to help.

Tracking Number: 70042890000074302745

## Product &amp; Tracking Information

## Available Actions

## Postal Product:

Extra Svc:  
Certified Mail™[Return Receipt After Mailing](#)

DATE & TIME	STATUS OF ITEM	LOCATION
February 7, 2015 , 10:12 am	Delivered	PASADENA, CA 91101

Your item was delivered at 10:12 am on February 7, 2015 in PASADENA, CA 91101.

February 7, 2015 , 5:26 am	Departed USPS Facility	SANTA CLARITA, CA 91383
February 7, 2015 , 3:34 am	Arrived at USPS Facility	SANTA CLARITA, CA 91383
February 6, 2015 , 1:13 am	Departed USPS Facility	CAPITOL HEIGHTS, MD 20790
February 5, 2015 , 11:32 pm	Arrived at USPS Origin Facility	CAPITOL HEIGHTS, MD 20790
February 5, 2015 , 4:18 pm	Picked Up	WASHINGTON, DC 20043

## Track Another Package

Tracking (or receipt) number

  
Track It

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## LEGAL INFORMATION

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[Terms of Use](#)  
[FOIA](#)  
[No FEAR Act EEO Data](#)

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# EXHIBIT 1-D

## SENDER: COMPLETE THIS SECTION

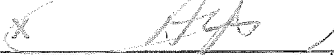
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Tim Langley  
Edge Comics Inc.  
530 South Lake Avenue  
171, Pasadena, CA 91101

## COMPLETE THIS SECTION ON DELIVERY

A. Signature



- ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

ALLEN S

C. Date of Delivery

2/7/05

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

- ☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article Number

(Transfer from service label)

3811, February 2004

Domestic Return Receipt

102595-02-M-1540

# EXHIBIT 1-E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDGE GAMES, INC.

Petitioner,

v.

RAZER (ASIA-PACIFIC) PTE LTD,  
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

**REGISTRANT'S FIRST SET OF REQUESTS FOR DOCUMENTS AND  
ELECTRONICALLY STORED INFORMATION**

Pursuant to Federal Rule of Civil Procedure 34 and Trademark Rules of Practice § 2.120, Registrant Razer (Asia-Pacific) Pte Ltd ("Registrant" or "Razer") by its undersigned attorneys hereby requests that Petitioner, Edge Games, Inc. ("Petitioner" or "Edge Games") produce the following documents and electronically stored information to the undersigned counsel for Registrant within thirty (30) days after service hereof.

These discovery requests shall be deemed to be continuing to the final adjudication date of these proceedings so that additional information relating in any way to Petitioner's responses which Petitioner acquires or becomes known to Petitioner shall be furnished to counsel for Registrant immediately after such information is acquired or becomes known, in accordance with Federal Rule of Civil Procedure 26(e).

## DEFINITIONS

“Document” means all things discoverable under Federal Rule of Civil Procedure 34(a), including but not limited to e-mail and other computer-based records, writings, and electronically stored information, notes, notations, correspondence, invoices, contracts, purchase orders, memoranda, books, pamphlets, publications, studies, reports, labels, packaging, artwork, tear sheets, flyers, brochures, proofs, displays, photographs, videotapes, models, films, drawings, sketches, illustrative materials, magnetic recording tapes, microfilms, and other storage means by which information is retained in retrievable form, and all other materials, whether printed, typewritten, handwritten, recorded or reproduced by any mechanical, electronic or magnetic process.

“Identify” means, when used with respect to a person or other legal entity, means to give the name, address, business affiliation and position, and such other known information as may be necessary to permit such person or entity to be subpoenaed or his, her, or its deposition noticed; and when used with respect to a document or other writing means to state the author, addressee, date, subject, and such other known information as may be necessary to permit the document or writing to be subpoenaed or its production to be requested (less complete identification than is adequate to explain what the document is will satisfy these interrogatories if the document or a legible copy of it is produced for inspection and copying, or is appended to the answers to these interrogatories).

“Petitioner” means Edge Games, Inc. its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

“Registrant” means Razer (Asia-Pacific) Pte Ltd, its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

In the following requests, if a privilege is alleged as to information or materials or if a request is otherwise not answered in full, state the specific grounds for not answering in full and answer said request to the extent to which it is not objected, including the identification of all information or materials for which privilege is claimed and the specific nature of any such privilege.

As used herein, the singular shall include the plural, and the present tense shall include the past tense.

As used herein, the terms "and" and "or" shall be construed in the conjunctive when such construction would bring within the discovery request information that would otherwise be outside of its scope, but shall be construed disjunctively when such construction would bring within the discovery request information that would otherwise be outside of its scope.

## INSTRUCTIONS

1. You are required to produce all responsive documents and things in your possession, custody or control, including all documents and things in the custody of your attorneys, consultants, agents, other representatives, and other persons or entities subject to your control.
2. You are to produce the documents and things as they are kept in the ordinary course of business, with appropriate markings or designations so that it may be determined to which request they are responsive.
3. You are to produce the original and all non-identical copies of each requested document or thing, including all copies which bear any additional file stamps, marginal notes or other additional markings or writings that do not appear on the original. The production shall include the file, envelope, folder, binder, or other container in which the responsive documents and things are kept. If, for any reason, the container cannot be produced, you are to produce copies of all labels or other identifying markings.
4. Documents stored in electronic format may be produced either as printed pages, in electronic format in a readily available commercial standard, or via an ftp website, pursuant to Petitioner's letter to the undersigned counsel dated March 28, 2014.
5. If you cannot fully respond to any request after a diligent attempt, respond to the request to the extent possible and specify the portion of the request to which you are unable to respond.



6. If you claim that any request, definition or instruction is ambiguous, state the language you claim is ambiguous and the interpretation you have used to respond to the request.

7. If you contend that any document or thing has been lost or destroyed, set forth the contents of the document or thing, the location of any copies, the date of loss or destruction, the name of the person who ordered or authorized the destruction, if any, and the authority and reasons for such destruction.

8. If you decline to produce any information, document, or thing on this basis of the attorney-client, work product, or other privilege, respond to as much of the discovery request as is not subject to the claimed objection, and for each document or thing, provide the following information:

- a. the type and title of the document or thing;
- b. the general subject matter of the document or description of the thing;
- c. the date of its creation;
- d. the identity of the document's author(s), addressee(s) and recipient(s);
- e. the nature of the privilege being claimed; and
- f. all facts upon which you base your claim of privilege.

## REQUESTS FOR DOCUMENTS AND ELECTRONICALLY STORED INFORMATION

The headings which appear below are for convenience only and in no way limit the responses requested of Petitioner.

### Use Of Petitioner's EDGE Mark

1. For each product or service offered by Petitioner (defined above as including its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof) or any of Petitioner's alleged trademark licensees bearing Petitioner's alleged EDGE mark or any variant thereof, produce documents sufficient to substantiate for each product or service:
  - a) The mark used;
  - b) The date of first use of the mark in each state of the United States;
  - c) Whether use of each mark for each product or service in each state identified above has continued every year thereafter;
  - d) The classes of consumers to whom each product or service is or was sold or distributed;
  - e) The retail establishments and other channels of trade where each product or service is or was sold or distributed;
  - f) The amount spent each year for advertising;
  - g) The amount of sales each year in volume and dollar amount; and

h) The manner in which the mark EDGE or any variant has been used for every month since use of the mark began, e.g. by affixing it to the product, packaging, advertising, or use in promotional materials, and the name and address of the person(s) or organization(s) which printed any such labels, packaging, advertising, or other materials.

2. For each product or service offered by Petitioner or any of Petitioner's alleged trademark licensees bearing Petitioner's alleged EDGE mark or any variant thereof, identified in answer to Interrogatory No. 1 or Document Request No. 1 above, produce documents sufficient to identify:

- a) The name and address of any of Petitioner's trademark licensees who sold or distributed the product or service;
- b) The name and address of the actual producer of the product or provider of the service;
- c) The person employed by Petitioner or any licensee who is most knowledgeable about the marketing and sales in the United States of such product or service.

3. For each product or service offered by Petitioner or any of Petitioner's alleged trademark licensees bearing Petitioner's alleged EDGE mark or any variant thereof, identified in answer to Interrogatory No. 1 or Document Request No. 1 above, produce documents sufficient to:

- a) Identify the name and address of each media source (including but not limited to newspapers, trade journals, electronic publications, radio or TV stations) used for advertising such product or service;
- b) Identify the primary person at each such media source who has rendered services to Petitioner or any licensee in connection with the promotion of such product or service; and
- c) The dates such advertising occurred.

**Licensing of Petitioner's EDGE Mark**

- 4. For each licensee identified in response to Interrogatory No. 2 or Document Request No. 2 above, produce:
  - a) All documents regarding the license, including documents sufficient to identify the name and address of the licensee, the marks involved, the products and services involved, and the date such license began and ended;
  - b) All documents regarding the quality control procedures for each product or service sold under each mark covered by each license that are or have ever been in place;
  - c) All documents regarding the enforcement of any quality control procedures in place under any license;
  - d) Documents sufficient to substantiate the annual expenses incurred by Petitioner for enforcing the quality control requirements in the license; and

- e) Documents sufficient to substantiate the royalty fee or other licensing payment received by Petitioner each year pursuant to any license or any other benefit received by Petitioner under the license.
5. For each licensee identified in response to Interrogatory No. 2 or Document Request No. 2 above, produce:
- a) All documents regarding Petitioner's creation, maintenance, and enforcement of the quality control provisions for each product or service covered by the license; and
  - b) All documents regarding any situation where a licensee's product or service was found not to comply with Petitioner's quality control standards.
6. For each licensee identified in response to Interrogatory No. 2 or Document Request No. 2 above, produce documents sufficient to identify by name and address the primary person of the licensee with whom Petitioner communicated for the purpose of enforcing the quality control provisions in the license, the position(s) such individual has held with the licensee, and the dates such individual held the position(s) with the licensee.
7. Produce all any correspondence with any licensee regarding the notice that Petitioner's U.S. trademark registration nos. 2,219,837; 2,251,584; 3,105,816; 3,559,342; and 3,381,826 had been ordered cancelled, as ordered by the court in

Exhibit 1 hereto, including all subsequent correspondence with each licensee regarding the status of the license.

**Assignment of Petitioner's EDGE Marks**

8. For all marks that were assigned to Petitioner, produce:
  - a) All documents regarding the assignment, including documents sufficient to identify the name and address of the assignor, the marks involved, the products and services involved, and the date such assignment became effective;
  - d) Documents sufficient to identify the name and address of Petitioner's primary contact person at the assignor regarding the assignment;
  - e) All documents regarding the purchase price or other consideration given to the assignor for the assignment of the mark;
  - f) All documents regarding the circumstances of the assignment, including whether the assignment was made to resolve any disputes regarding use of the mark; and
  - g) All documents substantiating the steps taken to ensure that the entire goodwill of the assignor's business as it relates to the mark was assigned.

**Petitioner's Disputes With Third Parties**

9. If Petitioner has requested, received, or has knowledge of any legal opinions regarding the right of anyone (including Petitioner) to use the mark EDGE or any variant thereof, produce each such opinion.

10. Produce all documents regarding all past and current users known by Petitioner, other than Petitioner and Registrant, of any marks incorporating the term EDGE in the United States.
11. Produce all documents regarding all instances Petitioner is aware of in which a person has been confused as to the source of Petitioner's or Registrant's products or services bearing any mark incorporating the term EDGE, or as to any affiliation or connection between Petitioner and Registrant.
12. Produce all documents regarding any lawsuit, trademark opposition or cancellation proceeding, or other dispute with a third party involving Petitioner (defined above to include its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof) involving a claim or action relating to the use of, application for, or registration of the mark EDGE or any variant, including but not limited to:
  - a) All documents pertaining to any such claim or action;
  - b) Documents sufficient to identify the name and address of each such third party, the case docket number and filing date and tribunal, if any, and the nature of the claim or action, including the trademarks and products/services involved;
  - c) All documents regarding the outcome any such claim or action, including any negotiations, settlement agreements, licenses, and assignments

- d) All documents regarding any sanctions or findings of fact against Petitioner or any of its predecessors, subsidiaries, affiliates, or directors, or officers, directors, employees, agents and representatives thereof related to the falsification of any documents or submission of any false statements of fact or other falsehoods to any tribunal; and
- e) Documents sufficient to identify the name(s), address(es), and telephone number(s) of all counsel representing any adverse party in such claim or action.

**Miscellaneous**

- 13. For each of Petitioner's marks incorporating EDGE, produce all documents regarding any trademark search or investigation with respect to the selection, adoption, or the filing of an application for registration for such mark.
- 14. For each such search or investigation identified in response to Interrogatory No. 13 and Document Request No. 13 above, produce all correspondence concerning such search or investigation.
- 15. All documents that substantiate Petitioner's claim in paragraph 30 of the Petition to Cancel that Registrant's EDGE mark has caused dilution.
- 16. All documents that substantiate Petitioner's claim in paragraph 31 of the Petition to Cancel that Petitioner's alleged EDGE mark is famous.



17. All documents on which Petitioner will rely to support the contention in the Petition to Cancel that there is a likelihood of confusion between Registrant's EDGE mark and any of Petitioner's alleged EDGE marks or dilution of any of Petitioner's alleged EDGE marks.
18. Documents sufficient to identify the officers of Petitioner and dates such offices were held.
19. Documents sufficient to identify Petitioner's predecessors-in-interest and the dates when there was an associated change of ownership of each of Petitioner's marks incorporating the term EDGE.
20. Documents sufficient to identify all of Petitioner's subsidiaries and affiliated companies, and the officers thereof.

Respectfully submitted,

Razer (Asia-Pacific) Pte Ltd.



Keith A. Barritt, Esq.

Fish & Richardson P.C.

P.O. Box 1022

Minneapolis, MN 55440-1022

phone: (202) 783-5070

fax: (202) 783-2331

Attorneys for Registrant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDGE GAMES, INC.

Petitioner,

v.

RAZER (ASIA-PACIFIC) PTE LTD,  
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

CERTIFICATE OF SERVICE

It is hereby certified that on February 5, 2015 a true copy of the foregoing REGISTRANT'S FIRST SET OF REQUESTS FOR DOCUMENTS AND ELECTRONICALLY STORED INFORMATION was deposited in the U.S. certified mail, first-class, postage prepaid, addressed to:

Tim Langdell  
Edge Games Inc.  
530 South Lake Avenue 171  
Pasadena, CA 91101

  
Signature

41036809.doc

# EXHIBIT 1-F

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDGE GAMES, INC.

Petitioner,

v.

RAZER (ASIA-PACIFIC) PTE LTD,  
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

Registered: September 3, 2013

**REGISTRANT'S FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and Trademark Rules of Practice § 2.120, Registrant Razer (Asia-Pacific) Pte Ltd ("Registrant" or "Razer") by its undersigned attorneys hereby requests that Petitioner, Edge Games, Inc. ("Petitioner" or "Edge Games") answer the following interrogatories under oath and serve such answers on the undersigned counsel for Registrant within thirty (30) days after service hereof.

These discovery requests shall be deemed to be continuing to the final adjudication date of these proceedings so that additional information relating in any way to Petitioner's responses which Petitioner acquires or becomes known to Petitioner shall be furnished to counsel for Registrant immediately after such information is acquired or becomes known, in accordance with Federal Rule of Civil Procedure 26(e).

## DEFINITIONS

“Document” means all things discoverable under Federal Rule of Civil Procedure 34(a), including but not limited to e-mail and other computer-based records, writings, and electronically stored information, notes, notations, correspondence, invoices, contracts, purchase orders, memoranda, books, pamphlets, publications, studies, reports, labels, packaging, artwork, tear sheets, flyers, brochures, proofs, displays, photographs, videotapes, models, films, drawings, sketches, illustrative materials, magnetic recording tapes, microfilms, and other storage means by which information is retained in retrievable form, and all other materials, whether printed, typewritten, handwritten, recorded or reproduced by any mechanical, electronic or magnetic process.

“Identify” means, when used with respect to a person or other legal entity, means to give the name, address, business affiliation and position, and such other known information as may be necessary to permit such person or entity to be subpoenaed or his, her, or its deposition noticed; and when used with respect to a document or other writing means to state the author, addressee, date, subject, and such other known information as may be necessary to permit the document or writing to be subpoenaed or its production to be requested (less complete identification than is adequate to explain what the document is will satisfy these interrogatories if the document or a legible copy of it is produced for inspection and copying, or is appended to the answers to these interrogatories).

“Petitioner” means Edge Games, Inc. its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

"Registrant" means Razer (Asia-Pacific) Pte Ltd, its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof.

In the following interrogatories, if a privilege is alleged as to information or materials or if an interrogatory is otherwise not answered in full, state the specific grounds for not answering in full and answer said interrogatory to the extent to which it is not objected, including the identification of all information or materials for which privilege is claimed and the specific nature of any such privilege.

As used herein, the singular shall include the plural, and the present tense shall include the past tense.

As used herein, the terms "and" and "or" shall be construed in the conjunctive when such construction would bring within the discovery request information that would otherwise be outside of its scope, but shall be construed disjunctively when such construction would bring within the discovery request information that would otherwise be outside of its scope.

## INTERROGATORIES

The headings which appear below are for convenience only and in no way limit the responses requested of Petitioner.

### Use Of Petitioner's EDGE Mark

1. State each product or service offered by Petitioner (defined above as including its predecessors in interest, and all of its subsidiaries and affiliated companies, and the officers, directors, employees, agents and representatives thereof) or any of Petitioner's alleged trademark licensees bearing Petitioner's alleged EDGE mark or any variant thereof, and for each product or service state:

- a) The mark used;
- b) The date of first use of the mark in each state of the United States;
- c) Whether use of each mark for each product or service in each state identified above has continued every year thereafter, and if not state the periods of time during which the mark was not used in connection with each product or service;
- d) The classes of consumers to whom each product or service is or was sold or distributed;
- e) The retail establishments and other channels of trade where each product or service is or was sold or distributed;
- f) The amount spent each year for advertising;
- g) The amount of sales each year in volume and dollar amount; and

- h) The manner in which the mark EDGE or any variant has been used, e.g. by affixing it to the product, packaging, advertising, or use in promotional materials, and the name and address of the person(s) or organization(s) which printed any such labels, packaging, advertising, or other materials.
- 2. For each product or service identified in answer to Interrogatory No. 1, identify:
  - a) The name and address of any of Petitioner's trademark licensees who sold or distributed the product or service;
  - b) The name and address of the actual producer of the product or provider of the service;
  - c) The person employed by Petitioner or any licensee who is most knowledgeable about the marketing and sales in the United States of such product or service.
- 3. For each product or service identified in answer to Interrogatory No. 1:
  - a) Identify the name and address of each media source (including but not limited to newspapers, trade journals, electronic publications, radio or TV stations) used for advertising such product or service;
  - b) Identify the primary person at each such media source who has rendered services to Petitioner or any licensee in connection with the promotion of such product or service; and
  - c) State the dates such advertising occurred.



**Licensing of Petitioner's EDGE Mark**

4. For each licensee identified in response to Interrogatory No. 2 above, state:
  - a) The name and address of the licensee;
  - b) The effective date such license began and ended;
  - c) The marks covered by the license;
  - d) The products and services covered by the license;
  - e) The quality control procedures, in detail, for each product or service sold under each mark covered by the license that are or have ever been in place and the dates such controls were in place;
  - f) The annual expenses incurred by Petitioner for enforcing the quality control requirements in the license; and
  - g) The royalty fee or other licensing payment received by Petitioner each year pursuant to the license or any other benefit received by Petitioner under the license.
  
5. For each licensee identified in response to Interrogatory No. 2 above, describe in detail:
  - a) How Petitioner creates, maintains, and enforces the quality control provisions for each product or service covered by the license; and
  - b) Any situation where a licensee's product or service was found not to comply with Petitioner's quality control standards.

6. For each licensee identified in response to Interrogatory No. 2 above, identify by name and address the primary person of the licensee with whom Petitioner communicated for the purpose of enforcing the quality control provisions in the license, providing the position(s) such individual has held with the licensee and the dates such individual held the position(s) with the licensee.
7. Describe any correspondence with any licensee regarding the notice that Petitioner's U.S. trademark registration nos. 2,219,837; 2,251,584; 3,105,816; 3,559,342; and 3,381,826 had been ordered cancelled, as ordered by the court in Exhibit 1 hereto, including all subsequent correspondence with each licensee regarding the status of the license.

**Assignment of Petitioner's EDGE Marks**

8. List all of Petitioner's marks incorporating the term EDGE that were assigned at any time to Petitioner or any of its predecessors, affiliates, or subsidiaries, and state for each mark:
  - a) The effective date of the assignment;
  - b) The products or services associated with the assigned mark;
  - c) The name and address of the assignor;
  - d) The name and address of Petitioner's primary contact person at the assignor regarding the assignment;
  - e) The purchase price or other consideration given to the assignor for the assignment of the mark;

- f) The circumstances of the assignment, including whether the assignment was made to resolve any disputes regarding use of the mark; and
- g) The steps taken to ensure that the entire goodwill of the assignor's business as it relates to the mark was assigned.

**Petitioner's Disputes With Third Parties**

- 9. If Petitioner has requested, received, or has knowledge of any legal opinions regarding the right of anyone (including Petitioner) to use the mark EDGE or any variant thereof, identify:
  - a) Each such opinion;
  - b) The person or persons requesting each such opinion; and
  - c) The person rendering each such opinion.
- 10. List all past and current users known by Petitioner, other than Petitioner and Registrant, of any marks incorporating the term EDGE in the United States, including the owner of such mark and the goods and/or services associated with such use.
- 11. Describe all instances Petitioner is aware of in which a person has been confused as to the source of Petitioner's or Registrant's products or services bearing any mark incorporating the term EDGE, or as to any affiliation or connection between Petitioner and Registrant. In your description:

- a) State with particularity the nature of the confusion involved in each such instance;
  - b) Identify each person with knowledge of each instance of such confusion; and
  - c) Identify each document and/or oral communication concerning such confusion.
12. If Petitioner or any of its predecessors, affiliates, subsidiaries, or directors, or officers, shareholders, representatives, or agents thereof, has ever been party to a lawsuit or trademark opposition or cancellation proceeding, or sent or received a cease and desist letter or otherwise communicated with a third party, involving a claim or action relating to the use of, application for, or registration of the mark EDGE or any variant thereof:
- a) State the name and address of each such third party;
  - b) State the case docket number and filing date and identify the tribunal, if any;
  - c) Describe the nature of the claim or action, including the trademarks and products/services involved;
  - d) Describe the outcome of any such claim or action, including the details of any settlement agreement;
  - e) Identify all documents referring or relating to such litigation, proceeding, or dispute and ensuing negotiations, if any;
  - f) Identify all documents regarding any sanctions or findings of fact against Petitioner or any of its predecessors, subsidiaries, affiliates, or directors, or

officers, directors, employees, agents and representatives thereof related to the falsification of any documents or submission of any false statements of fact or other falsehoods to any tribunal; and

- g) The name(s), address(es), and telephone number(s) of all counsel representing any adverse party in such claim or action.

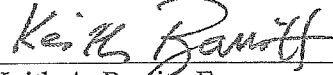
**Miscellaneous**

13. For each of Petitioner's marks incorporating EDGE, state whether Petitioner conducted or caused anyone else to conduct any trademark search or investigation with respect to the selection, adoption, or the filing of an application for registration for such mark.
14. For each such search or investigation identified in response to Interrogatory No. 13, state:
- a. The date on which it was made;
  - b. The name and address of the person who requested it; and
  - c. Whether any report or other communication or document was made concerning such search or investigation, and if so, set out verbatim the contents thereof or attach to the answer to this interrogatory a copy of each such report, communication, or document.
15. State the factual basis for Petitioner's claim in paragraph 30 of the Petition to Cancel that Registrant's EDGE mark has caused dilution.

16. State the factual basis for Petitioner's claim in paragraph 31 of the Petition to Cancel that Petitioner's alleged EDGE mark is famous.
17. State all facts and identify all documents on which Petitioner will rely to support the contention in the Petition to Cancel that there is a likelihood of confusion between Registrant's EDGE mark and any of Petitioner's alleged EDGE marks or dilution of any of Petitioner's alleged EDGE marks.
18. Identify the officers of Petitioner, specifying the dates such offices were held.
19. Identify Petitioner's predecessors-in-interest, specifying the dates when there was an associated change of ownership of each of Petitioner's marks incorporating the term EDGE.
20. Identify all of Petitioner's subsidiaries and affiliated companies, and the officers thereof.
21. As to each of the above interrogatories, identify:
  - a. The person within Petitioner who has the greatest knowledge as to the information requested; and
  - b. All persons who participated in preparing each response.

Respectfully submitted,

Razer (Asia-Pacific) Pte Ltd.

A handwritten signature in black ink, appearing to read "Keith Barritt", is written over a horizontal line.

Keith A. Barritt, Esq.

Fish & Richardson P.C.

P.O. Box 1022

Minneapolis, MN 55440-1022

phone: (202) 783-5070

fax: (202) 783-2331

Attorneys for Registrant

41028729.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDGE GAMES, INC.

Petitioner,

v.

RAZER (ASIA-PACIFIC) PTE LTD,  
Registrant.

Cancellation No.: 92058543

Mark: EDGE


Registration No. 4,394,393

Registered: September 3, 2013

CERTIFICATE OF SERVICE

It is hereby certified that on February 5, 2015 a true copy of the foregoing REGISTRANT'S FIRST SET OF INTERROGATORIES was deposited in the U.S. certified mail, first-class, postage prepaid, addressed to:

Tim Langdell  
Edge Games Inc.  
530 South Lake Avenue 171  
Pasadena, CA 91101

  
Signature

41028729.doc



# EXHIBIT 2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EDGE GAMES, INC.

Petitioner,

v.

RAZER (ASIA-PACIFIC) PTE LTD,  
Registrant.

Cancellation No.: 92058543

Mark: EDGE

Registration No. 4,394,393

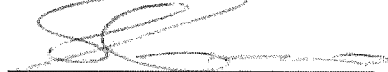
Registered: September 3, 2013

DECLARATION OF SERGIO PANTANO

I, Sergio Pantano, declare as follows:

1. I am Supervisor of APS Indexing & Scanning and a Senior Docketing Specialist at Fish & Richardson P.C., and I am over 18 years of age.
2. I have been employed by Fish & Richardson P.C. since 2003 and have held my current position since 2006.
3. Part of my duties at Fish & Richardson P.C. is to ensure that all incoming mail is appropriately routed for proper document management.
4. Mail that is sent to our P.O. Box 1022, Minneapolis, MN 55440 is processed the same day it is received. All incoming mail is opened, reviewed, indexed, and scanned into our electronic document management system, and the originals then stored or forwarded to the addressee.
5. After a thorough search of all paper mail and electronic files, I confirm that Fish & Richardson P.C. did not receive any responses to Razer (Asia-Pacific) Pte Ltd's discovery requests served on February 5, 2015 in the above-captioned proceeding.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing statements are true and correct to the best of my knowledge, information and belief.



Sergio Pantano

03-27-2015

Date

41083984.doc